

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of CALIFORNIA WATER SERVICE COMPANY (U 60 W), a corporation, for an order authorizing treatment of net proceeds from real property sales as subject to Public Utilities Code Section 790 and for establishment of memorandum accounts to record net sales proceeds.

Application 03-12-008
(Filed December 4, 2003)

In the Matter of the Application of CALIFORNIA WATER SERVICE COMPANY (U 60 W), a corporation, for an order authorizing replacement of the operations center and customer center in the Chico District and treatment of their net sale proceeds as subject to Public Utilities Code Section 790.

Application 04-08-017
(Filed August 17, 2004)

ORDER EXTENDING STATUTORY DEADLINE

Pub. Util. Code § 1701.5(a) provides for ratesetting proceedings to be resolved within 18 months of the date a scoping memo is issued unless the Commission makes a written determination that the deadline cannot be met, including findings as to the reason, and issues an order extending the deadline. No single order may extend the deadline for more than 60 days. We extend the deadline here for the reasons stated below.

A scoping memo in this proceeding was issued on March 4, 2004. Hence, the 18-month deadline for resolving this matter is September 4, 2005. However, a 60-day extension of time beyond the September 4, 2005 date is needed so that the

Administrative Law Judge (ALJ) and Commission may consider all testimony and briefs from the Office of Ratepayer Advocates (ORA). Absent ORA's involvement in this proceeding, this matter would have been unopposed and the Commission would not have the benefit of considering an alternative solution to this proceeding. This additional time is necessary because of the following events that delayed this proceeding:

- a. ORA submitted its testimony in this proceeding on January 11, 2005, beyond the August 13, 2004 date agreed to by ORA due to a conflict in ORA scheduling staff to work on this proceeding;
- b. ORA submitted its reply brief on April 29, 2005, one week late, because its expert witness was not available to consult with its assigned counsel to prepare a reply brief; and
- c. ORA filed an unopposed April 29, 2005 motion to extend the statutory deadline of this proceeding due to such time delays.

With ORA's filing of its reply brief, this matter finally stands submitted on April 29, 2005. We herein extend the statutory deadline of this proceeding to enable the ALJ to consider ORA's reply brief in preparing a draft decision and for the Commission to review and consider changes to that draft decision prior to issuance of a final decision.

Due to the § 1701.5(a) statutory deadline, there is a need to act on this matter immediately. Accordingly, pursuant to Rule 77.7(f)(10) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Susan P. Kennedy is the Assigned Commissioner and Michael J. Galvin is the assigned ALJ in this proceeding.

Findings of Fact

1. This proceeding was initiated on December 4, 2003, and a Scoping Memo was issued on March 4, 2004.
2. Based upon the 18-month statutory deadline, this proceeding must be resolved on or before September 4, 2005, unless this date is extended with cause.
3. The scheduled Commission meeting date prior to the 18-month statutory deadline is August 25, 2005.
4. ORA submitted its testimony in this proceeding on January 11, 2005, beyond the August 13, 2004 date agreed to by ORA.
5. ORA filed its reply brief late because its expert witness was not available to consult with its assigned counsel to prepare a reply brief.
6. ORA filed an unopposed motion to extend the statutory deadline of this proceeding because of its time delays.
7. Absent time extensions, this proceeding would have been unopposed.
8. The delays in this proceeding do not provide sufficient time for the ALJ to prepare a draft decision or for the Commission to review a draft decision or to consider an alternate decision in this matter before the 18-month statutory deadline.

Conclusions of Law

1. The 18-month statutory deadline imposed by Pub. Util. Code § 1701.5(a) should be extended so that the ALJ and Commission may have the benefit of ORA's input into this proceeding.
2. Public review and comment regarding this order should be waived pursuant to Rule 77.7(f)(10) of the Commission's Rules of Practice and Procedure, and this order should be made effective immediately.

IT IS ORDERED that public review and comment regarding today's decision is waived, and that the 18-month statutory deadline of September 4, 2005, in this proceeding is extended by 60 days to November 4, 2005.

This order is effective today.

Dated _____, at San Francisco, California.